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10/816,694	04/01/2004	Sami Ronkainen	037145-1201	9712
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FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER	
			PARK, ILWOO	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,694	<b>Applicant(s)</b> RONKAINEN ET AL.
	<b>Examiner</b> ILWOO PARK	<b>Art Unit</b> 2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 June 2010.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 8/16/2010 have been fully considered but they are not persuasive. In the Remarks, applicant argues in substance that Shah doesn't teach "automatically updating" the one or more other virtual devices with the data associated with the particular virtual device since such a program conversion will never happen unless the user has associated with the program icon with the device and has specified whether a remote invocation is needed.

The examiner respectfully disagrees. Shah teaches the one or more other virtual devices [e.g., the device icon] is automatically updated with automatically converted program data without a user intervention for the conversion instead of deploying a program upon a user intervention ["the user may never know that the program corresponding to the program icon that the user dragged and dropped on to the device icon was initially incompatible with the device, the conversion of the program to the appropriate format in step 246 having been performed invisibly to the user" in paragraph 0248]. While Shah in one embodiment requires user intervention of the association of the program icon with the device icon, Shah in another embodiment teaches the device icon is automatically updated with a program data associated with the program icon of the main computer system [e.g., "when a program is automatically deployed from the main computer system 82 to a first device, the corresponding program icon may be animated on the configuration diagram to flow from the computer system device icon to the first device icon corresponding to the first device" in paragraph 0219; "the program

may be programmatically deployed, i.e., without user input specifying the deployment, in response to the installation" in paragraph 0474]. Shah further teaches automatically updating the device icon with data [sub-program icons in fig. 17] without a user intervention of selecting the sub-program icons [404a-404d in fig. 16] when selecting a program icon [402 in fig. 16]. Shah further teaches automatically updating, transparent to the user, one virtual device with data associated with a particular virtual device [e.g., "This also causes the main program to be automatically modified to include a call of the sub-program to the target device to which the program was deployed. Thus, the high level in the hierarchy is automatically modified to include a call to the device to call or invoke execution of this program on the remote or target device", "The user can accomplish this result without requiring manual modification of the application" in paragraphs 0301, 0302, fig. 18].

Thus, Shah teaches automatically updating the one or more other virtual devices with data associated with the particular virtual device and the rejections are respectfully maintained.

2. Claims 1-22 are presented for examination. Shah et al was cited, previously.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah et al. [US 2006/0031768 A1].

As for claim 1, Shah et al teach a method, the method comprising:

establishing a virtual device [e.g., "A plurality of product icons may then be displayed representing products available for use in the client system, e.g., hardware devices and/or programs" in paragraphs 0017, 0019; fig. 7; or "virtual device icons and/or virtual program icons may be automatically created for devices or programs that are purchased by user" in paragraph 0218] for each physical device of one or more devices associated with a user, each virtual device including the data [e.g., "deploying a program comprising copying the program from a first device to a second device (where the program remains stored on the first device)" in paragraphs 0143, 0175, 0219] stored within the respective corresponding physical device; and

synchronizing a particular virtual device with one or more other virtual devices, wherein the synchronizing comprises automatically updating [e.g., "automatically convert programs between different device types to ensure that deployed programs work properly on the devices to which they are deployed", "the user may never know that the program corresponding to the program icon that the user dragged and dropped on to the device icon was initially incompatible with the device, the conversion of the program to the appropriate format in step 246 having been performed invisibly to the user" in paragraphs 0227, 0248; "when a program is automatically deployed from the main computer system 82 to a first device, the corresponding program icon may be

animated on the configuration diagram to flow from the computer system device icon to the first device icon corresponding to the first device", "the program may be programmatically deployed, i.e., without user input specifying the deployment, in response to the installation" in paragraphs 0219, 0474; "all of the sub-programs within the hierarchy are copied to the destination device. Also the program icon 402 and all of the sub-program icons 404A-D are copied to appear proximate to (e.g., under) the device icon 412" in paragraph 0299, fig. 17; "This also causes the main program to be automatically modified to include a call of the sub-program to the target device to which the program was deployed. Thus, the high level in the hierarchy is automatically modified to include a call to the device to call or invoke execution of this program on the remote or target device", "The user can accomplish this result without requiring manual modification of the application" in paragraphs 0301, 0302, fig. 18] the one or more other virtual devices with data associated with the particular virtual device.

5. As for claim 2, Shah et al teach synchronizing the virtual device with external databases [paragraph 0556].

6. As for claim 3, Shah et al teach creating the virtual device in a virtual device domain and updating settings in the virtual device [figs. 6-8].

7. As for claim 4, Shah et al teach the settings comprise configuration and personal settings, and wherein synchronizing the particular virtual device with one or more other virtual devices, is based on a domain configuration [e.g., paragraphs 0463, 0546].

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8. As for claim 5, Shah et al teach synchronizing the particular virtual device with one or more other virtual devices is based on a domain configuration [e.g., paragraphs 0463, 0411].

9. As for claims 6-8, Shah et al also teach a computer program product for performing the method discussed above.

10. As for claim 9, Shah et al teach a system, the system comprising:  
one or more physical devices associated with a user; and  
a virtual device domain including a virtual device [e.g., "A plurality of product icons may then be displayed representing products available for use in the client system, e.g., hardware devices and/or programs" in paragraphs 0017, 0019; fig. 7; or "virtual device icons and/or virtual program icons may be automatically created for devices or programs that are purchased by user" in paragraph 0218] for each of the one or more physical devices, each virtual device including the data [e.g., "deploying a program comprising copying the program from a first device to a second device (where the program remains stored on the first device)" in paragraphs 0143, 0175, 0219] stored within the respective corresponding physical device, wherein each virtual device includes device capability information [paragraphs 0155, 0156, 0394] for corresponding physical device, at least one physical device is synchronized [e.g., by "copying the program from a first device to a second device" in paragraphs 0175; fig. 11; or "automatically convert programs between different device types to ensure that deployed program work properly on the devices to which they are deployed" in paragraph 0227] to a particular virtual device, and one or more other virtual devices are automatically

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updated [e.g., "automatically convert programs between different device types to ensure that deployed programs work properly on the devices to which they are deployed", "the user may never know that the program corresponding to the program icon that the user dragged and dropped on to the device icon was initially incompatible with the device, the conversion of the program to the appropriate format in step 246 having been performed invisibly to the user" in paragraphs 0227, 0248; "when a program is automatically deployed from the main computer system 82 to a first device, the corresponding program icon may be animated on the configuration diagram to flow from the computer system device icon to the first device icon corresponding to the first device", "the program may be programmatically deployed, i.e., without user input specifying the deployment, in response to the installation" in paragraphs 0219, 0474; "all of the sub-programs within the hierarchy are copied to the destination device. Also the program icon 402 and all of the sub-program icons 404A-D are copied to appear proximate to (e.g., under) the device icon 412" in paragraph 0299, fig. 17; "This also causes the main program to be automatically modified to include a call of the sub-program to the target device to which the program was deployed. Thus, the high level in the hierarchy is automatically modified to include a call to the device to call or invoke execution of this program on the remote or target device", "The user can accomplish this result without requiring manual modification of the application" in paragraphs 0301, 0302, fig. 18] with data associated with the particular device.

11. As for claim 10, Shah et al teach a plurality of virtual devices are synchronized based on a domain configuration [e.g., paragraphs 0463, 0411].

12. As for claim 11, Shah et al teach the virtual devices are located in a network [paragraph 0015].
13. As for claim 12, Shah et al teach the virtual device domain is in a personal computer [fig. 1].
14. As for claim 13, Shah et al teach the virtual devices can be administered by the user over a network [paragraph 0135].
15. As for claim 14, Shah et al teach the network is the internet [paragraph 0165].
16. As for claim 15, Shah et al teach the physical devices communicate data to the virtual devices to provide a backup of the data [paragraphs 0411, 0422].
17. As for claim 16, Shah et al teach the virtual device domain resides in a server associated with a communication provider [paragraph 0026].
18. As for claim 17, Shah et al teach the virtual device domain comprises domain configuration including transcoding rules [paragraph 0227].
19. As for claim 19, Shah et al teach the virtual devices have relationships between each other defined by a configuration and used in administering and managing the virtual device domain, and the administering and managing the virtual device domain is done using an application that provides a visual presentation of virtual devices and the relationships [paragraph 0012].
20. As for claim 20, Shah et al teach a method comprising:
  - associating [e.g., paragraph 0154] a communication service with a plurality of devices; and

managing [paragraph 0135] the plurality of physical devices using virtual devices in a virtual device domain, each virtual device including the data [e.g., "deploying a program comprising copying the program from a first device to a second device (where the program remains stored on the first device)" in paragraphs 0143, 0175, 0219] stored within the respective corresponding physical device, wherein managing the plurality of physical devices includes synchronizing [e.g., by "copying the program from a first device to a second device" in paragraphs 0175; or "automatically convert programs between different device types to ensure that deployed program work properly on the devices to which they are deployed" in paragraph 0227] the virtual devices [e.g., product icon of a first device representing a program stored in the first device and product icon of a second device representing the same program copied and stored in the second device], the synchronizing comprising automatically updating [e.g., "automatically convert programs between different device types to ensure that deployed programs work properly on the devices to which they are deployed", "the user may never know that the program corresponding to the program icon that the user dragged and dropped on to the device icon was initially incompatible with the device, the conversion of the program to the appropriate format in step 246 having been performed invisibly to the user" in paragraphs 0227, 0248; "when a program is automatically deployed from the main computer system 82 to a first device, the corresponding program icon may be animated on the configuration diagram to flow from the computer system device icon to the first device icon corresponding to the first device", "the program may be programmatically deployed, i.e., without user input specifying the deployment, in

response to the installation" in paragraphs 0219, 0474; "all of the sub-programs within the hierarchy are copied to the destination device. Also the program icon 402 and all of the sub-program icons 404A-D are copied to appear proximate to (e.g., under) the device icon 412" in paragraph 0299, fig. 17; "This also causes the main program to be automatically modified to include a call of the sub-program to the target device to which the program was deployed. Thus, the high level in the hierarchy is automatically modified to include a call to the device to call or invoke execution of this program on the remote or target device", "The user can accomplish this result without requiring manual modification of the application" in paragraphs 0301, 0302, fig. 18] the one or more virtual devices with data associated with the particular virtual device.

21. As for claim 21, Shah et al teach tracking services and configurations of the virtual device domain for billing purposes [paragraphs 0023, 0528].
22. As for claim 22, Shah et al teach synchronizing the virtual devices according to a payment plan configuration [paragraph 0030].

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. [US 2006/0031768 A1] in view of well known in the art.

As for claim 18, even though Shah et al disclose a plurality of specifications [paragraph 0010] for the synchronization, Shah et al do not disclose the plurality of specifications including SyncML specification. However, data communication utilizing SyncML specification is well known in the art. At the time the invention was made, it would have been obvious to one or ordinary skill in the art to include SyncML specification in the plurality of specifications of Shah et al in order to increase adaptability of the data communication of Shah et al.

***Conclusion***

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (571) 272-4155. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ilwoo Park/  
Primary Examiner, Art Unit 2182  
8/16/2010